

DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-24-2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GONZALO CORNELIO BASURTO
*individually and on behalf of others similarly
situated,*

Plaintiffs,

- against -

LIGHTHOUSE FISHMARKET INC, (D/B/A
LIGHTHOUSE FISH MARKET &
RESTAURANT) and MICHAEL CLOPTON,

Defendants.
-----X

18 Civ. 04889 (RWL)

**ORDER
APPROVING SETTLEMENT**

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This case is an action for damages under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA") and the New York Labor Law. The parties have consented to my jurisdiction for all purposes. Before the Court is the parties' joint letter request that the Court approve their settlement agreement. (Dkt. 50.) A federal court is obligated to determine whether settlement of an FLSA case under the court's consideration is fair and reasonable and the subject of an arms-length negotiation, not an employer's overreaching. *See Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court assisted in mediating the settlement of this action and has carefully reviewed the Settlement Agreement as well as the parties' letter. The Court has taken into account, without limitation, prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the Settlement Agreement is the product of arm's length bargaining between experienced counsel or parties; the amount of attorney's fees; and the possibility of fraud

or collusion. Among other attributes of the Settlement Agreement, there are no confidentiality restrictions; the non-disparagement provision is mutual and limited; the releases are limited to wage-and-hour and other labor-related claims; and the attorneys' fees are within a fair, reasonable and acceptable range. Considering all the circumstances, the Court finds that the Settlement Agreement is fair and reasonable and hereby approved.

The Clerk of Court is respectfully requested to terminate all motions and deadlines, and close this case.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 24, 2020
New York, New York

Copies transmitted to all counsel of record.